IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 318 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE J.R.VORA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SAIYAD MAIYUDDIN MIYA AKBARMIYA
Versus
THE STATE OF GUJARAT

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Appearance :
MR DR BHATT for Applicant
PMR AY KOGJE APP for Respondent

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CORAM : HONOURABLE MR.JUSTICE J.R.VORA

Date : 16/06/2006

ORAL JUDGENT

1 Heard learned Advocate Mr. D.R. Bhatt for applicant and learned APP Mr. A.Y. Kogje for respondent – State. RULE. Waived by learned APP Mr. Kogje. Upon request of learned counsels for the parties and in the facts and circumstances of the case, this Criminal

Revision Revision Application is heard finally today.

2 Learned Advocate Mr. Bhatt for the applicant submits that a crime against the present applicant came to be registered before Siddhpur Police Station being Crime Register No.I-41/99. Consequently, charge sheet in this respect was submitted before the Court of learned Judicial Magistrate, First Class, at Siddhpur and given number as Criminal Case No. 567 of 2005 of the Court of Judicial Magistrate First Class, Siddhpur. The said Criminal Case No. 567 of 2005 was committed to the Court of Sessions at Patan and was numbered as Sessions Case No. 69 of 2005. Learned Advocate Mr. Bhatt further submits that the grievance of the applicant is in respect of this case that he has not received the complete papers and copies of charge sheet and when he filed an application at Exhibit-33 before the learned Sessions Judge, the same came to be dismissed on 21st of April, 2006 and hence this Revision Application.

3 Vide order dated 4th of May, 2006, this Court requested the learned APP to obtain instructions and in pursuance of the said order, the learned APP Mr. Kogje submits on record a Yadi addressed by learned Judicial Magistrate, First Class, Siddhpur, on 12th of June, 2006, to Police Inspector, Siddhpur Police Station, Siddhpur. In the said Yadi, the learned Judicial Magistrate, First Class, Siddhpur, has stated that in the said Criminal Case No. 567 of 2005, a file of papers of charge sheet was prepared and was

forwarded to the Court of Sessions at Patan, vide Outward No. 147 of 2005 on 03rd of October, 2005, through Police Constable Sanjay Singh, Buckle No. 69. The said Yadi of learned JMFC, Siddhpur, is taken on record.

4 In view of above, while disposing of this Criminal Revision Application, the learned Sessions Judge, Patan, is directed to supply all the papers of charge sheet to the applicant before commencing of the trial as early as possible. Rule made absolute to the above extent.

(J.R. VORA,J.)

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